

**EXHIBIT 1**

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF FLORIDA  
3 MIAMI DIVISION  
4 CASE NO. 20-mj-08364-DLB

5 UNITED STATES OF AMERICA,  
6  
7 Plaintiff,

8 vs.

9 CHALONER SAINTILLUS,

10 Defendant.

West Palm Beach, Florida  
November 20, 2020  
Pages 1-32

11 TRANSCRIPT OF REMOVAL HEARING  
12 CONDUCTED VIA ZOOM VIDEOCONFERENCING  
13 BEFORE THE HONORABLE WILLIAM MATTHEWMAN  
14 UNITED STATES MAGISTRATE JUDGE

15 APPEARANCES:

16 FOR THE PLAINTIFF:

17 *United States Attorney's Office*  
18 BY: AURORA FAGAN, A.U.S.A.  
19 99 Northeast Fourth Street  
20 Miami, Florida 33132

21 FOR THE DEFENDANT:

22 *Federal Public Defender's Office*  
23 BY: PETER BIRCH, A.F.P.D.  
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P-R-O-C-E-E-D-I-N-G-S

THE COURT: Are we ready to go?

COURTROOM DEPUTY: Yes, Judge. Calling United States of America versus Chaloner Saintillus, case number 20-8364-DLB.

THE COURT: All right. Who do we have here for the United States? Can't hear you, Ms. Fagan.

MS. FAGAN: Good morning, Your Honor. Aurora Fagan for the United States.

THE COURT: There you are. All right. So it's Ms. Fagan for the United States.

And for the Defendant, who do we have?

MR. BIRCH: Good morning, Your Honor. Peter Birch on behalf of Mr. Saintillus.

THE COURT: All right. And we have Mr. Saintillus appearing here from the Palm Beach County Jail via Zoom video conference. Let's go ahead and swear him in, Ken.

COURTROOM DEPUTY: Yes, Judge. Mr. Saintillus, raise your right hand. You do solemnly swear that the testimony you're about to give will be the truth, the whole truth and nothing but the truth, so help you God?

THE DEFENDANT: Yes, sir.

THE COURT: And state your name please.

THE DEFENDANT: Shalam Ali El Bey, and I have power of attorney of the all capital petitioner straw-man named Chaloner Saintillus, and I am proclaiming my status forever Moorish

PROCEEDINGS RECORDED BY ZOOM VIDEOCONFERENCING  
TRANSCRIPT PRODUCED BY MANUAL STENOGRAPHY  
AND COMPUTER-AIDED TRANSCRIPTION

1 American.

2 THE COURT: Let's -- first of all, before you go on,  
3 Ken, can you ask the jail if they could adjust that camera? All  
4 I can see is the top of his head. All right. That's better.

5 So I think I asked you your name, Mr. Saintillus, and I  
6 heard something but I didn't quite understand it. So can you  
7 tell me what your name is?

8 THE DEFENDANT: Shalam Ali El Bey. I have power of  
9 attorney of Chaloner Saintillus which is my all-caps fictitious  
10 straw-man.

11 THE COURT: All right. And we are here today for a  
12 removal of a complaint in this case to the Eastern District of  
13 California, and we're here for a detention hearing and a removal  
14 hearing.

15 The first thing I'll ask, Mr. Birch, does your -- I  
16 know there's a form that you filed here, consent to appear by  
17 video or audio teleconference. Does your client agree to appear  
18 today by Zoom videoconference and give up his right to be  
19 personally present in the courtroom today?

20 MR. BIRCH: Based on my conversation with him earlier  
21 this week, yes, Your Honor.

22 THE COURT: Okay. So let me ask you, sir, you have the  
23 right to be personally present in the courtroom. However,  
24 because of the COVID-19 pandemic, we are handling as many of  
25 these hearings as possible remotely to keep everybody safe. Do

1 you give up your right, waive your right for today's hearing to  
2 be personally present in the courtroom and agree to appear by  
3 Zoom videoconference for today's hearing from the Palm Beach  
4 County Jail?

5 THE DEFENDANT: Yes.

6 THE COURT: Okay. Thank you. And also Mr. Birch has  
7 signed for you on this consent to appear by video or audio  
8 teleconference form. Do you give express permission for him to  
9 sign on your behalf as to consent to appear by video or audio  
10 teleconference?

11 THE DEFENDANT: Sure. Yes.

12 THE COURT: All right. Thank you. So I'll go ahead  
13 and approve that at this time, and I have signed that form.

14 All right. So now we're set for two matters today.  
15 The first is a detention hearing. Mr. Birch, how does your  
16 client wish to proceed?

17 MR. BIRCH: Your Honor, having discussed this matter  
18 with Mr. Saintillus explaining to him his right to a detention  
19 hearing here or in California, he has decided to reserve  
20 *(unintelligible)* detention hearing.

21 THE COURT: I'm hearing a lot of background -- hold on.  
22 I'm hearing a lot of background noise. Where is that coming  
23 from? Do we know, Ken? If you could mute --

24 COURTROOM DEPUTY: Maybe from the Palm Beach County  
25 Jail. I'm not positive.

1 THE COURT: All right. Why don't you say it again,  
2 Ken. I mean -- I'm sorry. Mr. Birch. If you'll say what you  
3 were saying again.

4 MR. BIRCH: Yes, Your Honor. Based upon my  
5 conversations with Mr. Saintillus explaining to him his right to  
6 a detention hearing either here or in California and what that  
7 involves, he is at this time reserving his right to have the  
8 detention hearing upon arriving in California.

9 THE COURT: All right. So Mr. Saintillus, let me --

10 THE DEFENDANT: I didn't know I could have it here.

11 THE COURT: Well, let me explain your rights, okay?  
12 Then we'll discuss it. You have a right to an identity hearing  
13 to prove that you are the person that the other district is  
14 seeking; in this case, the Eastern District of California. If  
15 you waive that hearing, you are not admitting guilt, you are  
16 merely saying that they have not arrested the wrong person.

17 You also have a right to a bond or detention hearing in  
18 this district or in the other district, which is the Eastern  
19 District of California, but not in both districts.

20 You also have the right to explore resolving this case  
21 in this district pursuant to Federal Rule of Criminal Procedure  
22 20. Under that rule, the case can be transferred from the other  
23 district to this district, but only if you wish to plead guilty  
24 and only if both the prosecutor here and the prosecutor in the  
25 other district agree. If you wish to explore that possibility,

1 you can discuss that with your attorney.

2 So the first issue is the bond or detention hearing.  
3 You do have the right to have that bond or detention hearing  
4 here or in the other district, but not in both. Your attorney,  
5 Mr. Birch, advises you wish to not have your detention hearing  
6 here, but rather have that in the Eastern District of  
7 California. Is that correct?

8 THE DEFENDANT: The identity hearing you're talking  
9 about?

10 THE COURT: No, no, the detention. The bond detention  
11 hearing.

12 THE DEFENDANT: California. Yeah.

13 THE COURT: Okay. So do you want to have your  
14 detention hearing in the Eastern District of California?

15 THE DEFENDANT: It doesn't matter to me. I'll take  
16 California.

17 THE COURT: All right. So the Defendant -- based on  
18 what Mr. Birch said and what the Defendant said, the Defendant  
19 is asking that his detention hearing be deferred until he  
20 reaches the Eastern District of California. So that will occur.

21 All right. Now, we also -- what is that noise I keep  
22 hearing? Mr. Saintillus, are you making noise there or is  
23 somebody behind you making noise?

24 THE DEFENDANT: It's probably the outside.

25 THE COURT: Is your door closed?

1 THE DEFENDANT: Yes.

2 THE COURT: All right. I don't know what I'm hearing,  
3 but if anybody is rustling papers, please stop it because it's  
4 extremely annoying.

5 MS. FAGAN: Your Honor, perhaps anyone who is not on  
6 the hearing can just press their mute button. That might solve  
7 it.

8 THE COURT: Yes, I think so.

9 So now we have a removal hearing, and I explained your  
10 rights to a removal. So Mr. Birch, is your client asking for an  
11 identity hearing here today?

12 MR. BIRCH: Yes, Your Honor, he is. And I do think he  
13 wants to address the Court regarding his identity.

14 THE COURT: All right. So as I told you before  
15 Mr. Saintillus, you have a right to an identity hearing. We are  
16 going to start that identity hearing now. Is there something  
17 you wish to tell the Court? And again, I can only see the top  
18 of your head. So if you slouch down, I can't see you. If you  
19 want me to see you, sit up.

20 THE DEFENDANT: Yes, I would like to proclaim my  
21 nationality as well before we begin.

22 THE COURT: What does that even mean, sir?

23 THE DEFENDANT: Well, I am a Moor, being that I'm  
24 native to Florida and the right to indigenous people, rights to  
25 identify, self-identify, and my inalienable rights, E-T-C. I do

1 own a nationality part, I proclaimed it on Palm Beach Post, Sun  
2 Sentinel. I tried several times to go in the courtroom and get  
3 it recorded, but I couldn't. But now that I'm here, I presume  
4 that I can. So I do own power of attorney to the all-capital  
5 fictitious name Chaloner, which is Shalam, Saintillus. I'm not  
6 lost at sea. I'm here today in front of you, Judge Matthewman.  
7 I don't have my paperwork with me, but that's all I can say  
8 right now.

9 THE COURT: All right. Well, it doesn't make a lot of  
10 sense to me. Sounds like a bunch of nonsense. But if that's  
11 what you wish to say, you can certainly say it.

12 Let's go ahead with the identity hearing. Ms. Fagan,  
13 do you wish to proceed with your identity hearing?

14 MS. FAGAN: Yes, Your Honor.

15 THE COURT: Go ahead.

16 MS. FAGAN: So Your Honor, we have Agent Xavier  
17 Martinez, he should be in the Zoom room. Would I be able to  
18 proceed by proffer?

19 THE COURT: Well, I think we're going to need testimony  
20 in this case. Is Agent Martinez here? If he could raise his  
21 hand.

22 AGENT MARTINEZ: Yes, Your Honor.

23 THE COURT: All right.

24 AGENT MARTINEZ: Good morning.

25 THE COURT: Good morning to you. I tell you what we'll

1 do, Ms. Fagan. I will let you proceed by proffer, but I also  
2 will want testimony from the Agent. All right. We can do both.

3 Ken, can you go ahead and swear in Agent Martinez  
4 please?

5 COURTROOM DEPUTY: You do solemnly swear that the  
6 testimony you're about to give will be the truth, the whole  
7 truth, nothing but the truth so help you God?

8 THE WITNESS: Yes, I do. Good morning, everybody.

9 THE COURT: Good morning. Could you state your name  
10 please.

11 THE WITNESS: Xavier Martinez.

12 THE COURT: Can you spell that?

13 THE WITNESS: X-A-V-I-E-R, M-A-R-T-I-N-E-Z.

14 THE COURT: All right. And where are you employed,  
15 sir?

16 THE WITNESS: Department of Homeland Security, Homeland  
17 Security Investigations here in West Palm.

18 THE COURT: All right. So you're with Homeland  
19 Security Investigations and you're an agent with HSI?

20 THE WITNESS: That is correct, Your Honor.

21 THE COURT: All right. So thank you.

22 Ms. Fagan, if you want to proceed on the identity  
23 hearing.

24 MS. FAGAN: Yes, Your Honor. And I'd ask that you take  
25 judicial notice of the criminal complaint. And just for the

1 record, Mr. Saintillus was indicted by the Eastern District of  
2 California. I can forward that indictment to the Court.

3 THE COURT: All right. Hold on just one second. It  
4 looks like the case number in the Eastern District of California  
5 for the complaint is 2:20-MJ-0162-JDP, and I will go ahead and  
6 take judicial notice of the criminal complaint and affidavit in  
7 that case. And Ken, if you could find the indictment case  
8 number for me out there, I'll take judicial notice of the  
9 indictment in that case.

10 MS. FAGAN: I can give you the indictment number. It's  
11 20-CR-00213-KJM, and I can send this to Ken.

12 THE COURT: All right. So I'll take judicial notice as  
13 well of the indictment in the Eastern District of California  
14 20-CR-00213-KJM.

15 All right. Go ahead, Ms. Fagan.

16 MS. FAGAN: Thank you, Your Honor. So as it states in  
17 the complaint, this investigation in the Eastern District of  
18 California began in April of 2020 when agents out there had  
19 identified a vendor on the dark net marketplace called Empire  
20 and the vendor name was C-H-L-N saint. I'll shorten that by  
21 saying chlnsaint. They saw that this vendor, chlnsaint, was  
22 offering fentanyl, carfentanyl, heroin, cocaine and a variety of  
23 pharmacy pills for sale online under that moniker. So they did  
24 some open research on that chlnsaint moniker, and they actually  
25 identified some open internet identities using that same

1 moniker. They saw postal service accounts, they saw a Gmail  
2 account with the same moniker.

3 The undercover in California purchased oxymorphone and  
4 it was shipped out to the undercover in California. It came  
5 from -- it was mailed from Delray Beach, a Delray Beach Post  
6 office. They then pulled the surveillance photos from the post  
7 office for the mailing, and they identified the person who was  
8 being mailed. The chlnsaint moniker that had the postal service  
9 account and the Gmail account actually said the real name which  
10 was Chaloner Saintillus. So seeing that it was from Delray  
11 Beach, they pulled the DMV photo of Chaloner Saintillus which is  
12 the Defendant's photo, and it matched the surveillance photos in  
13 the kiosk that was mailing that first undercover buy packages.

14 The undercover then proceeded to buy nine more  
15 purchases of drugs between April and October. Agents were able  
16 to pull post office surveillance photos for seven of those nine  
17 additional mailings which show images of the Defendant mailing  
18 those packages. In addition, undercover purchases one through  
19 four were -- the postage was purchased with the Defendant's  
20 wells Fargo debt card, the wells Fargo records come back to the  
21 Defendant.

22 On October 6th, the Defendant was actually arrested on  
23 state charges as being a felon in possession, and during that  
24 arrest, he was affiliated with an address 245 Northwest 10th  
25 Avenue in Delray Beach. So on October 8th, law enforcement in

1 Florida were doing surveillance on that address in Delray Beach,  
2 and they observed the Defendant entering a white BMW that is  
3 registered to him, and he got into that car as a passenger.  
4 There was an unknown male driving the car. They followed that  
5 car to a post office where they observed the Defendant again  
6 mailing a package. The postal service seized that package and  
7 obtained a search warrant here in the Southern District of  
8 Florida for that package, and it was found to contain  
9 approximately seven grams of Fentanyl. And that package had a  
10 handwritten return address on that package that matched the  
11 return address and the person's name for some undercover  
12 packages that were mailed to the agents.

13 A search warrant was obtained for the 245 Northwest  
14 10th Avenue residence in Delray Beach. When that --

15 THE COURT: Hold on just a second. Ken, can you see if  
16 you can mute other individuals from the jail and anybody else so  
17 there's none of that noise interfering with what I hear Ms.  
18 Fagan saying?

19 COURTROOM DEPUTY: Yes, Judge.

20 MS. FAGAN: So Your Honor, when the search warrant was  
21 executed on October 27th of this year, the Defendant was  
22 observed in one of the bedrooms of that home. That home does  
23 not belong to the Defendant. There was another gentleman there  
24 who was either the owner or the lessor of that home. But in the  
25 bedroom in which the Defendant was found were numerous items

1 with his name and identification on it. There was a driver's --  
2 there was a wallet with his driver's license in it, there were  
3 credit cards bearing his name. There were prescription pill  
4 bottles that also bore his name. And then he made spontaneous  
5 statements acknowledging that that was his bedroom and asking  
6 for personal items that were in the bedroom, including a ledger  
7 which is actually a little electronic device on which you can  
8 store cryptocurrency. And it should be noted that these illicit  
9 purchases of drugs over the Empire Market are purchased with  
10 cryptocurrency. Also the Defendant's BMW keys were in the  
11 bedroom as well. There were also two phones in the bedroom  
12 which were searched pursuant to the search warrants, and on  
13 those phones were pictures of the Defendant and references to a  
14 number of his e-mail accounts. Also references to his dark web  
15 vendor account. And he had admitted he was Chaloner Saintillus.

16 So based on these facts, the Government believes that  
17 not only is he Chaloner Saintillus, but that he is the person  
18 who was sending the drugs to the agents in California and also  
19 mailing these seven grams of Fentanyl on October 8th.

20 THE COURT: All right. Now I know there's a criminal  
21 complaint, and I have a copy of that in front of me from the  
22 Eastern District of California in 20-0162. I don't have a copy  
23 of the warrant here in front of me. Ken, is there a warrant in  
24 the file?

25 COURTROOM DEPUTY: I'll check the file right now.

1 THE COURT: And my second question while you're doing  
2 that is has there been a preliminary hearing or is the  
3 preliminary hearing waived until the Eastern District of  
4 California takes the Defendant?

5 MR. BIRCH: Your Honor, since Ms. Fagan mentioned that  
6 an indictment has been returned, I think that, actually under  
7 the rule, negates the need for a preliminary hearing.

8 THE COURT: That is correct. If an indictment has been  
9 returned, and the case number is 20-CR-00213-KJM, then that  
10 would negate the necessity for a preliminary hearing. But I  
11 just want to make sure because under the rule, it states that  
12 the judge must transfer the defendant -- and I'm specifically  
13 looking at Rule 5, the judge must conduct a preliminary hearing  
14 if required by Rule 5.1. Since there is an indictment, no  
15 preliminary hearing is necessary. And then it states the judge  
16 must transfer the defendant to the district where the offense  
17 was allegedly committed if the government produces the warrant,  
18 a certified copy of the warrant, or a reliable electronic form  
19 of either. So I just want to make sure that I see a warrant, if  
20 that has been produced.

21 COURTROOM DEPUTY: Judge, we do not have a warrant.

22 THE COURT: All right. Ms. Fagan?

23 MS. FAGAN: I have a warrant. I have a warrant, Your  
24 Honor, from the Eastern District of California that I can send  
25 to Ken. However, it doesn't have the back copy, it's just the

1 front of it. But I can send this over.

2 THE COURT: Well, as long as it is -- under the rule if  
3 it is a reliable electronic form of the warrant, then it's  
4 acceptable under the rule. So I need you to -- if you have  
5 that, I need you to introduce that as an exhibit and then --

6 MS. FAGAN: Yes, Your Honor.

7 THE COURT: And then have that filed in the docket.

8 MS. FAGAN: Yes, Your Honor. I am on my phone so I  
9 can't share screen.

10 THE COURT: You can always come back -- we can always  
11 come back at 2:00 today on this matter if we need to do that.

12 MS. FAGAN: Yes, Your Honor. I just sent it to  
13 Mr. Zuniga and I can file it as an exhibit, and I'm just showing  
14 you on the screen the arrest warrant which matches the case  
15 number for the complaint in California.

16 THE COURT: All right. I do see that. That is a  
17 reliable electronic form of the warrant.

18 Mr. Birch, do you have any objection for purposes of  
19 this hearing to the introduction of the warrant at this removal  
20 hearing?

21 MR. BIRCH: Not for purposes of this hearing, Your  
22 Honor.

23 THE COURT: Okay. All right. So that will be  
24 admitted, the warrant will be admitted.

25 (Government's Exhibit 1 in evidence)

1 THE COURT: So the next issue is the judge must find  
2 that the defendant is the same person named in the indictment,  
3 information or warrant. So if you want to put testimony as to  
4 that from the agent, Ms. Fagan?

5 MS. FAGAN: Yes, Your Honor.

6 THE COURT: Let's unmute the Agent. All right.

7 DIRECT EXAMINATION

8 BY MS. FAGAN:

9 Q. Agent Martinez, were you part of the Southern District of  
10 Florida surveillance team that was requested to go to the  
11 residence at 245 Northwest 10th Avenue on or about October 8th?  
12 was that yes?

13 A. That is correct, yes.

14 Q. And were you given any information regarding the individual  
15 that you were looking to see if he was located at that address?

16 A. Yes, I was.

17 Q. And did you see an individual matching that description at  
18 that address on that day?

19 A. Yes, I did. When I performed a drive-by in front of the  
20 home you mentioned.

21 Q. And what did you observe him doing?

22 A. He was just outside near his vehicle with another male that  
23 I didn't -- that I -- an unidentified male.

24 Q. And when you say "his vehicle", is that the white BMW that  
25 was registered to him under the Florida DMV records?

1 A. That is correct.

2 Q. Did you or any of your fellow agents follow that vehicle?

3 A. Yes, we did on that day.

4 Q. And do you recall if you heard any information from your  
5 coworkers, the other surveillance team members, whether they  
6 observed the Defendant in that car?

7 A. Yes, they did. There was a photo taken of him getting into  
8 the passenger's side of that vehicle, and I also have seen a  
9 photo, and you'll mention this later, but when he went to the  
10 post office, there was a photo of him either getting in or out  
11 of that vehicle.

12 Q. And what was he observed doing at the post office?

13 A. Going to the kiosk and mailing a parcel.

14 Q. And was that parcel retrieved?

15 A. Yes, it was.

16 Q. To your knowledge, was a search warrant obtained to open the  
17 package?

18 A. That's correct, ma'am.

19 Q. And to your knowledge, what was found in the package?

20 A. I can't remember what it tested positive for, but it did  
21 test positive for a controlled substance. I'd have to look.  
22 I'm not quite sure what exact -- I know that he was advertising  
23 several different controlled substances, but I'm not quite sure  
24 right now which one it was that tested positive.

25 THE COURT: All right. Hold on just a second. I'll

1 tell you what, I have -- as I said, I'm doing three  
2 naturalizations today and I have to swear in new citizens. So  
3 we're going to have to take a break now. I will come back at  
4 11:45 and we'll continue the Saintillus hearing. And as I told  
5 everybody else, we're going to go from about 11:45 until about  
6 12:15, and then we're going to break until 2:00 if that helps  
7 with any of your schedules. It's just a fairly hectic day.

8 All right. So I'll be back just as soon as I can, but  
9 we can plan on -- I should be back by 11:45. All right? We'll  
10 stand in recess. All right. Thank you.

11 AGENT MARTINEZ: Yes, Your Honor. Thank you.

12 THE COURT: Are we ready to proceed, Ken?

13 COURTROOM DEPUTY: Yes, Judge.

14 THE COURT: All right. Let's call the case again.

15 COURTROOM DEPUTY: Recalling United States of America  
16 and Chaloner Saintillus, case number 20-8634-DLB.

17 THE COURT: All right. So we are continuing on with  
18 the removal hearing. Go ahead, Ms. Fagan. You were asking  
19 certain questions.

20 MR. BIRCH: Your Honor, if I may, I apologize. Could I  
21 just address the Court for one minute?

22 THE COURT: You sure can.

23 MR. BIRCH: I spoke with Mr. Saintillus during the  
24 recess, and he told me that he does not wish to be present for  
25 this hearing. He's not waiving his identity, but he does not

1 want to be present for this hearing. I told him you may wish to  
2 hear that from him directly.

3 THE COURT: well, Mr. Saintillus?

4 THE DEFENDANT: You said it backwards.

5 THE COURT: All right. Hold on just a second. I'm  
6 talking. Mr. Saintillus, you have the right to be present at  
7 this hearing, and if you want to say anything you can certainly  
8 say anything to the Court that you want to. If you wish to  
9 advance a defense to the removal, you can certainly do that, but  
10 it's in your best interest to be here. Anything you wish to say  
11 to the Court, understanding that you have the right --  
12 understanding you have a right to remain silent and anything you  
13 say can and will be used against you in a court of law, you have  
14 the right to defend yourself here.

15 So we'll go ahead with the removal hearing and if  
16 there's anything you wish to add at the appropriate time, you  
17 can make whatever argument you wish against removal, and  
18 Mr. Birch is here representing you.

19 All right. Go ahead, Ms. Fagan.

20 BY MS. FAGAN:

21 Q. Agent Martinez, you said that on October 8th when  
22 Mr. Saintillus was under surveillance at the residence in Delray  
23 Beach, he was observed (*unintelligible*) a package at the post  
24 office?

25 A. That is correct, ma'am.

1 Q. To your knowledge were there surveillance photos taken in  
2 the post office of -- mailing the package that was later found  
3 to contain fentanyl?

4 A. Yes, there was.

5 Q. Did you receive those photos from the case agent?

6 MS. FAGAN: Your Honor, I'd like to submit a photograph  
7 that was taken on October 8th purportedly of the person mailing  
8 the package.

9 THE COURT: All right. That will be what, Government's  
10 Exhibit 1? would that be correct?

11 MS. FAGAN: Yes. If we don't need to have the arrest  
12 warrant as Exhibit 1, this can be Exhibit 1.

13 THE COURT: All right. So we'll make the photograph  
14 Government Exhibit 1. Any objection to that for purposes of  
15 today's hearing, Mr. Birch?

16 THE DEFENDANT: Yes.

17 THE COURT: I'm sorry, Mr. Saintillus. What was that?

18 THE DEFENDANT: I was saying can I defend myself?

19 THE COURT: Well, you have an attorney here. I was  
20 asking if there's any objection to introduction of that  
21 photograph.

22 THE DEFENDANT: I have two herniated disks. I mail my  
23 prescriptions out to Arizona every month, and that's why I'm at  
24 the post office. And the car, I'm co-owner to that car so most  
25 of the belongings, the gun that was found, all of that is under

1 my brother's name and it's his, and he can be my witness and a  
2 testify to all of this.

3 THE COURT: All right. Well, you have to understand,  
4 Mr. Saintillus, today is a removal hearing. Today is not the  
5 trial.

6 THE DEFENDANT: I'm saying no to the identity.

7 THE COURT: Do not interrupt me when I'm talking,  
8 Mr. Saintillus. Do you understand that? I'm going to give you  
9 a warning right now.

10 THE DEFENDANT: Yes, sir.

11 THE COURT: That if you don't conduct yourself properly  
12 at this hearing, I will hold a contempt hearing to see if you  
13 should be found in contempt of court. I don't want you  
14 obstructing this hearing, okay? If you want to say something at  
15 the appropriate time, you can. This is not a hearing about your  
16 prescriptions, it's not a hearing about if you're innocent or  
17 guilty, this is a hearing about whether you are the same  
18 individual that was indicted and an arrest warrant was issued in  
19 the Eastern District of California. So please don't go off on  
20 tangents, don't interrupt me and don't disrupt the hearing. All  
21 right? The only issue before me right now is whether or not --  
22 Mr. Birch, if you could unmute your microphone please?  
23 Mr. Birch, the Government wants to introduce a photograph of the  
24 Defendant. Is there any objection for today's hearing,  
25 Mr. Birch?

1 MR. BIRCH: There's no objection, Your Honor.

2 THE COURT: All right. So that will be admitted as  
3 Government's Exhibit 1.

4 (Government's Exhibit 1 in evidence)

5 Go ahead Ms. Fagan.

6 MS. FAGAN: Your Honor -- hold on.

7 BY MS. FAGAN:

8 Q. Agent Martinez, is this the photo of the individual seen  
9 mailing the package on October 8th?

10 A. That is correct, ma'am.

11 Q. Is there anything distinctive about the tee shirt that this  
12 individual was wearing on October 8th?

13 A. That was the tee shirt I saw him wearing when I saw him  
14 earlier that day when I did the drive-by I previously mentioned.

15 Q. Did you receive other surveillance photos from an agent in  
16 California regarding post office surveillance photos that were  
17 taken of the individual who mailed the undercover packages to  
18 the agents in California?

19 A. Yes, I did.

20 Q. Were one of those surveillance photos -- was the individual  
21 mailing the drugs that were received by the agents in California  
22 wearing the same tee shirt?

23 A. Yes.

24 MS. FAGAN: Your Honor, I'd like to submit another  
25 photo.

1 THE COURT: All right. For the purposes of today's  
2 hearing, the removal hearing, any objection, Mr. Birch?

3 MR. BIRCH: No, Your Honor.

4 THE DEFENDANT: Yes.

5 THE COURT: All right. Mr. Saintillus, the attorney,  
6 Mr. Birch, is not objecting, but Mr. Saintillus is objecting on  
7 his own. I am going to overrule Mr. Saintillus's objection.

8 What is your objection, Mr. Saintillus, just out of  
9 curiosity?

10 THE DEFENDANT: I just told you about why I'm at the  
11 post office.

12 THE COURT: All right. That will be overruled. The  
13 Government's photograph will be admitted as exhibit --  
14 Government's Exhibit 2.

15 (Government's Exhibit 2 in evidence)

16 THE COURT: Go ahead, Ms. Fagan.

17 MS. FAGAN: Thank you, Your Honor.

18 BY MS. FAGAN:

19 Q. Agent Martinez, is this one of the surveillance photos that  
20 the California agents sent you regarding the person mailing a  
21 package of drugs to the undercover agents in California?

22 A. Yes, ma'am.

23 Q. And what *(unintelligible)* that package?

24 A. I'm sorry, I couldn't hear the last portion.

25 Q. What is significant about the tee shirt being worn by this

1 individual?

2 A. It's the same tee shirt he was wearing on October 8th when  
3 we conducted surveillance and watched him go from his home to  
4 the post office, and send the package which was later found to  
5 contain fentanyl.

6 THE DEFENDANT: Objection.

7 THE COURT: Overruled. Go ahead, Ms. Fagan.

8 BY MS. FAGAN:

9 Q. And Agent Martinez, did you receive other surveillance  
10 photos of a person looking like the Defendant mailing the  
11 packages that were received by the undercover then which were  
12 found to contain drugs?

13 MS. FAGAN: Your Honor, I'd like to proffer the last --  
14 one more photo.

15 THE COURT: All right. I will assume that  
16 Mr. Saintillus, pro se, objects to that. I will overrule the  
17 objection on those grounds and admit the photograph.

18 (Government's Exhibit 3 in evidence)

19 THE COURT: Go ahead, Ms. Fagan. It's Government  
20 Exhibit 3.

21 MR. BIRCH: Talking about the ledger that was taken  
22 (sic) and how much was taken. I day trade.

23 THE COURT: Mr. Saintillus, don't interrupt while we're  
24 doing cross-examination -- while we're doing direct examination.  
25 If you want to say something later, I will let you say something

1 later, but don't interrupt this hearing.

2 Go ahead, Ms. Fagan.

3 BY MS. FAGAN:

4 Q. Agent Martinez, is that one of the surveillance photos you  
5 received from the case agent?

6 A. Yes.

7 Q. And who is depicted in that photo?

8 A. Mr. Saintillus.

9 Q. Just for clarification, you're not personally familiar with  
10 Mr. Saintillus outside of this case, are you?

11 A. No, I'm not.

12 Q. So how is it that you know that that is Mr. Saintillus?

13 A. Because of the information that I was provided by other law  
14 enforcement.

15 Q. Does that look like the individual who you observed at the  
16 residence and who was arrested on October 27th?

17 A. That is correct, ma'am.

18 MS. FAGAN: I have no further questions, Your Honor.

19 THE COURT: All right. Mr. Birch, any questions from  
20 the defense?

21 MR. BIRCH: Briefly, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. BIRCH:

24 Q. Good morning, Agent Martinez.

25 A. Good morning, sir.

1 THE DEFENDANT: Can I say something?

2 THE COURT: Not right now. Mr. Birch is asking  
3 questions. If you want to say something when he's done, I will  
4 let you, but go ahead Mr. Birch.

5 BY MR. BIRCH:

6 Q. Agent Martinez, were you present when the individual  
7 identified as Mr. Saintillus was arrested?

8 A. Yes, I was.

9 Q. And that individual you say is the same person that you  
10 identified in these photographs; is that correct? I didn't hear  
11 an answer.

12 A. Yes, that is correct.

13 Q. Now, how many times -- this individual that you've  
14 identified as Mr. Saintillus, how many times did you actually  
15 observe him?

16 THE DEFENDANT: Can I represent myself?

17 THE COURT: No. Mr. Saintillus, no. Not right now.  
18 would you please -- I will let you say something in a moment.  
19 Let Mr. Birch ask the questions.

20 BY MR. BIRCH:

21 Q. How many times did you observe the person that you've  
22 identified as Mr. Saintillus mail packages?

23 A. I observed him on October 8th mailing that package, and then  
24 on October 27th the day of the search warrant at his home.

25 Q. When the search warrant was conducted, you made reference to

1 one of the tee shirts that he purportedly was wearing in the  
2 photograph allegedly depicting him. Was that tee shirt found  
3 during the course of the search warrant?

4 A. I do not know. I did not search his room.

5 Q. Okay. But there's no doubt in your mind that the person in  
6 the photographs was the same person that was arrested on October  
7 27th? I'm sorry. I didn't hear it.

8 A. That is correct.

9 MR. BIRCH: That's all I have, Your Honor.

10 THE COURT: All right. Agent, is that the same person  
11 who is appearing on video at the hearing today?

12 AGENT MARTINEZ: Yes, Your Honor?

13 THE DEFENDANT: Can I say something?

14 THE COURT: Yeah, one moment.

15 MS. Fagan, did you have any further questions for the  
16 Agent?

17 MS. FAGAN: No, Your Honor.

18 THE COURT: All right. Mr. Saintillus, what would you  
19 like to say?

20 THE DEFENDANT: Now, now with this agent, with the  
21 ledger that was taken, exactly how much was taken out of that  
22 ledger. And I told my public defender that I day trade. How  
23 much funds was taken out of the ledger?

24 THE COURT: All right. Mr. Saintillus --

25 THE DEFENDANT: Because I had 30 to 35,000 on there.

1 THE COURT: Okay. Mr. Saintillus, let me just explain  
2 something to you for about the fourth time. This is a removal  
3 hearing. The only issue here today is if you are the same  
4 person that the Eastern District of California is seeking. This  
5 is not a hearing today to determine if you are guilty or  
6 innocent. You've been charged by way of a complaint and an  
7 indictment. All this is, this hearing today, is a removal  
8 hearing to see if there's an appropriate warrant, to see if  
9 there's a complaint or an indictment, to see if the Eastern  
10 District of California is seeking you and to see if you are the  
11 same person, the same individual, that the Eastern District of  
12 California is seeking. Once you go out to the Eastern District  
13 of California, if I order you removed, you can make whatever  
14 defense to the merits of the case that you want to do. You can  
15 go to trial, you can do whatever you want to do. But today's  
16 hearing is only about whether you are the same person that is  
17 charged out in the Eastern District of California. Do you  
18 understand?

19 THE DEFENDANT: Can I say one more thing?

20 THE COURT: Well, do you understand that before you say  
21 anything?

22 THE DEFENDANT: Yes.

23 THE COURT: What would you like to say that's relevant  
24 to this hearing.

25 THE DEFENDANT: Under the treaty of peace and

1 friendship, I am a Moor, also known as Moorish American to  
2 Europeans. I am indigenous to this land mass, and that's it.

3 THE COURT: Okay. Thank you.

4 THE DEFENDANT: And I am saying no to the identity.

5 THE COURT: All right. I understand you are saying no  
6 to the identity.

7 Any other questions you have, Ms. Fagan, for the  
8 (unintelligible)?

9 MS. FAGAN: No, Your Honor.

10 THE COURT: Any other questions you have, Mr. Birch?

11 MR. BIRCH: No, Your Honor.

12 THE COURT: All right. Thank you.

13 Now, I have received a copy of the arrest warrant in  
14 case 20-MJ-0162-JDP from the Eastern District of California. It  
15 is a reliable electronic copy. I have also received a copy of  
16 the indictment from the Eastern District of California and  
17 that's in case 20-CR-0213-KJM. Both of those documents, both  
18 the arrest warrant and the indictment, will be made court  
19 exhibits for today's hearing, and I have reviewed those and they  
20 are proffered.

21 All right. So Ms. Fagan, anything else that you wish  
22 to address on the removal hearing or any argument you wish to  
23 make?

24 MS. FAGAN: No, Your Honor.

25 THE COURT: All right. Mr. Birch, any argument or

1 anything you wish to address as to the removal hearing regarding  
2 Mr. Saintillus?

3 MR. BIRCH: Your Honor, very briefly. On  
4 Mr. Saintillus's behalf to make sure it's understood, he  
5 obviously feels he has a defense to the charge itself, but we  
6 are not pursuing that today. Hopefully it will be pursued in  
7 California.

8 As to the issue of removal, or -- excuse me identity,  
9 he takes the position that he is not the person charged in the  
10 complaint and he objects to the identity, and I will just leave  
11 it to the Court's discretion.

12 THE COURT: All right. Thank you.

13 Mr. Saintillus, anything you want to say?

14 THE DEFENDANT: I am Shalam Ali El Bey. I am power of  
15 attorney to my straw-man fictitious all-capital name, and I am a  
16 Moor, which to you guys would be a Moorish American. I am  
17 indigenous to this land mass, a native to Florida.

18 And the ledger, I want to know how much was taken out  
19 because they said -- I don't know. I'm not going to say  
20 nothing. I plead that. I plead the 5th to that. But I know  
21 exactly that I had 30 to 35,000 on there, and I day trade.

22 And as far as me going to the post office, I have a  
23 herniated disk, I have two, and I've been going to my pharmacies  
24 which is Walgreens, Alliance Rx in Arizona which I ship it to.

25 And that's that.

1 THE COURT: All right. Thank you.

2 So pursuant to Rule 5 (*unintelligible*) Federal Rule of  
3 Criminal Procedure 5C3B, it states that the magistrate judge  
4 must transfer the defendant to the district where the offense  
5 was allegedly committed if, number one, the government produces  
6 the warrant, the certified copy of the warrant, or a reliable  
7 electronic form of either. That warrant has been produced and  
8 it is filed in this case.

9 Two, the judge finds that the defendant is the same  
10 person named in the indictment, information or warrant. I do  
11 find that this Defendant here, Mr. Saintillus, is the same  
12 person named in the warrant in the Eastern District of  
13 California. So at this time, what I am going to do is I am  
14 going to sign a warrant of removal, and I am going to order that  
15 the Defendant be removed to the Eastern District of California.  
16 I'm signing that at this time. The Marshal will remove the  
17 Defendant to the Eastern District of California. His bond and  
18 detention hearing will be held out there, and all further  
19 hearings will be held out in the Eastern District of California.

20 This hearing is concluded. Let's go to the next  
21 matter.

22 MS. FAGAN: Thank you. Have a good day.

23 MR. BIRCH: Thank you, Your Honor.

24 THE COURT: Thank you.

25 (PROCEEDINGS CONCLUDED)

\* \* \* \* \*

# C E R T I F I C A T E

I certify that the foregoing is a correct transcript from the digital audio recording of proceedings in the above-entitled matter.

4/9/2021  
Date

/s/ Dawn M. Savino, R.P.R., C.R.R.  
DAWN M. SAVINO, R.P.R., C.R.R.

## I N D E X

### WITNESSES

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### EXHIBITS

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